



STATE OF UTAH

R. PAUL VAN DAM - ATTORNEY GENERAL

1636 WEST NORTH TEMPLE, #300 • SALT LAKE CITY, UTAH 84116 • TELEPHONE: 801-538-7227 • FAX NO. 801-538-7315

JOSEPH E. TESCH
CHIEF DEPUTY ATTORNEY GENERAL

February 24, 1992

Honorable Dennis L. Draney
Eighth Judicial District Judge
Uintah County Courthouse
VERNAL UT 84078

Re: Uinta Basin General Adjudication--
1992 Interim Distribution Schedule,
Duchesne County Civil No. 3070

Dear Judge Draney:

Enclosed for your consideration are a Motion of the State Engineer and a proposed interim Order to govern distribution of water on the Duchesne-Strawberry River System for the 1992 irrigation season. As you know, distribution on this system has been regulated under Court Order as part of the pending statutory adjudication action in Duchesne County during those years when there has been insufficient water to satisfy existing rights. Unfortunately, due to low snowpack, it appears that an interim distribution order will again be necessary for the 1992 irrigation season.

As you will remember, the Court had some concern last year with the State Engineer's method in submitting the distribution order and the taking of objections. In the past, we have asked the Court to simply adopt the distribution order subject to the right of any party to protest at a later point. Last year, the Court was concerned about basic due process in the way the matter was handled. In hindsight, I believe the Court's concerns were well justified.

Therefore, we have begun the process earlier this year and we would ask the Court to hold off on signing the Order until all interested parties have had a chance to comment or object. Since the irrigation season does not begin until April 1st, this should afford any interested party sufficient time to respond and to allow the scheduling of a hearing prior to April 1st should that be necessary.

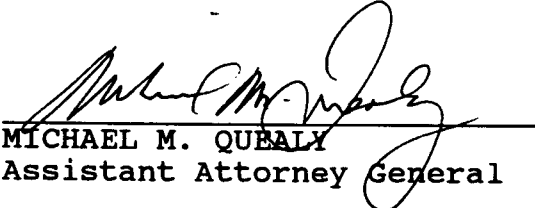
Honorable Dennis L. Draney
Eighth Judicial District Judge
February 24, 1992
PAGE TWO

Copies of the enclosed Motion and proposed Order are today being mailed to the attorneys and other interested parties who have been involved in this matter in the past, along with a copy of this letter. As set forth in the Motion, the distribution schedule was discussed with representatives of the Strawberry-Duchesne Water Users at their annual distribution meeting on February 5, 1992, at Duchesne. The water users' representatives were supportive of adopting the same distribution schedule as last year--which is what we have proposed to the Court.

If any water users file written protests, I would ask that the Court set the matter down for hearing as soon as reasonably possible prior to April 1, 1992. If no objections are filed and if the documents otherwise appear to be in order, I would appreciate your executing the Order and forwarding the documents on to the Duchesne County Clerk for filing in the enclosed stamped, pre-addressed envelope. I would also appreciate a call from Pat Swim when you do go ahead and sign the Order so that I can so advise the River Commissioner. I hope this will streamline the process this year and give all interested parties adequate opportunity to have input prior to the Court's considering the proposed Order.

If you have any questions, please do not hesitate to give me a call.

Respectfully yours,


MICHAEL M. QUEALY
Assistant Attorney General

Enclosures

xcw/encls: All Counsel and Parties of Record

MMQ/jr